

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRIMINAL ACTION NO. 1:05CR43

TONY BRAHAM, a/k/a "Tick" a/k/a
"Philly,"

Defendant.

ORDER/OPINION

On the 18th day of May 2007, came the Defendant, Tony Braham, in person and by his counsel, John J. Pizzuti, and also came the United States by its Assistant United States Attorney, Shawn A. Morgan, for hearing on Defendant's Motion for Disclosure of Presentence Reports and Related Documents of Government Witnesses (Docket Entry 344). The matter was then heard on the motion, the government's responses to said motion in which it did not object to an in camera review, and the arguments of counsel.

Upon consideration of all which, and for reasons stated on the record of the hearing, the Court ordered the United States to turn over the PSR's to the Court for inspection within two weeks for the Court's review of the documents in camera and determination of what, if anything, should be disclosed to Defendant.

The PSR's were timely submitted and the Court reviewed the same in camera. Upon consideration of all which, the Court by separate transmittal has returned copies of the PSR's redacted by yellow highlighter reflecting exact. Counsel for the United States is directed to redact and thereafter copy and deliver to Counsel for Defendant the following specific portions of the following PSR's:

- 1) Curtis Lee Ball front face page and paragraphs numbered 47 through 62 as redacted
- 2) James Allevato front face page and paragraphs numbered 48 through 59 as redacted
- 3) Jerome Vining front face page and paragraph numbered 52 as redacted
- 4) Michael Reis front face page and paragraph numbered 47 as redacted
- 5) Sandra Miller front face page and paragraphs numbered 41 through 51 as redacted
- 6) Larry Dixon front face page and paragraphs numbered 50 through 59 as redacted
- 7) Beth Allevato front face page and paragraphs numbered 42 through 47 as redacted.

Nothing in this grant of Defendant's motion should be construed by any party as a determination of the admissibility or use of the redacted information in the trial of this matter.

No portion of the PSR's not herein specifically designated shall be copied and provided to Defendant.

No portion of the PSR of Traci Lynn McLean shall be copied and delivered to Defendant inasmuch as said PSR contains a report of no prior criminal history.

The Clerk is directed to file the PSR's submitted by the United States Attorney for in camera review in the file under seal "For Court Eyes Only."

IT IS SO ORDERED.

The Clerk of the Northern District for the United States District Court shall provide a copy of this order to all counsel of record.

DATED: June 4, 2007.

/s *John S. Kaull*

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE

